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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,914	04/25/2001	Isao Takahashi	109357	5217
25944	7590	05/04/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			HANNETT, JAMES M	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,914

Applicant(s)

TAKAHASHI, ISAO

Examiner

James M Hannett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 13-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Election/Restrictions***

Applicant's election with traverse of Group II, Claims 11 and 12 in the reply filed on 1/31/2005 is acknowledged. The traversal is on the ground(s) that a search for the subject matter of claims 11 and 12 is sufficient so that a thorough search of the subject matter on claims 11 and 12 would encompass a search for the subject matter of the remaining claims. Thus, the search and examination of the entire application could be made without serious burden to the examiner. This is not found persuasive. The examiner disagrees with the applicant and submits that claims 11 and 12 of elected Group II do not contain all of the limitation of the other inventions as defined in the requirement for election restriction. Therefore, the search and consideration conducted by the examiner for the remaining limitations defined in Groups I, III, and IV would constitute a serious burden to the examiner. The requirement is still deemed proper and is therefore made FINAL.

Claims 1-10 and 13-37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Groups I, III and IV, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1/31/2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1: Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,373,507 Camara et al in view of USPN 6,374,266 Shnelvar.

2: As for Claim 11, Camara et al teaches on Column 20, Lines 15-50 a system in which images stored in a camera memory can be transferred to the memory of a computer system. Camara et al teaches that the camera download manager which resides in the computer system will maintain a database of all the images previously downloaded from a given camera and will not download the images that are already cached. Camara et al teaches that this method prevents any image from being downloaded more than once. However, Camara et al does not give specifics as to what information is used to determine if the images are already stored in the computer memory.

Shnelvar teaches on Column 3, Lines 36-52 and on Column 6, Lines 8-35 a method of transferring data files from one system to another system which prevents files from being downloaded multiple times. Shnelvar teaches that each time a file is copied from a data source, a data table is searched which contains information about all the data files stored in memory. Shnelvar teaches the use of a table that contains hash values on all of the data files stored in the memory of the computer. The Hash values are viewed by the examiner as attribute information. Therefore, Shnelvar teaches preparing attribute (hash values) information of the data in the data source. Shnelvar teaches that the hash values of the incoming data are compared to hash values in a table stored in the memory of the computer. Shnelvar teaches that when the two sets of data match, the data is not stored in the computers memory. Furthermore, Shnelvar teaches that when the two sets of data do not match, the data is saved to memory, and the hash data of the incoming image is added to the table of hash values stored in the computer. Shnelvar teaches that this

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method is advantageous because it increases the speed in which incoming data can be compared to data in a data base to determine if the file has already been downloaded, therefore, increasing processing time.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method for storing and transferring data files of Shnelvar as the method for determining if the image files have already been transferred in Camara et al in order to increase the speed in which the incoming image files can be compared to the images already downloaded and therefore increasing processing time.

3: In regards to Claim 12, Claim 12 is rejected for reasons discussed related to Claim 11, since Claim 11 is substantively equivalent to Claim 12.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5,946,697 Shen teaches the use of a system which transfers images from one computer to another and only transfers the images when it is determined that the images are not currently stored in the destination computer; USPN 6,657,654 Narayanaswami teaches a system in which image files can be transferred from a camera to a computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
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JMH
April 21, 2005


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